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September 19, 2012

Hon. Katherine B. Forrest
United States District Judge
Daniel Patrick Moynihan
United States Courthouse, Courtroom: 15A
500 Pearl St.
New York, NY 10007-1312

Re: *Lewis, et al., v. Earlybird Delivery Systems, LLC, et al.,*
Civil Action No. 11-CV -8912 ((KBF) (S.D.N.Y.))

Dear Judge Forrest:

I represent Plaintiffs in the above referenced Fair Labor Standards Act action and write this joint letter on behalf of all parties, pursuant to the Court's Order dated August 29, 2012 (the "Order"), to confirm that the parties have reached a collective action settlement (the written settlement agreement is in the process of being signed). The settlement is not a class action settlement but a collective action settlement under the FLSA covering only the opt-in plaintiffs. The parties expect to submit the fully executed settlement agreement for Court approval on or before October 10, 2012, the date set by your Order.

Respectfully submitted,

s/William C. Rand

William C. Rand

Enc.

cc:

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